

## **WILLIAMSBURG PLANNING COMMISSION MINUTES**

**Wednesday, February 16, 2005**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, February 16, 2005, at 3:30 p.m. in the Council Chambers at the Stryker Building.

### **CALL TO ORDER and ATTENDANCE**

Chairman Young called the meeting to order. Present in addition to Mr. Young were Commissioners Pons, Hertzler, Friend, McBeth, Rose and Smith. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

### **MINUTES**

Mr. Pons moved that the minutes of the January 20 and 26 work sessions and the January 29 regular meeting be approved as submitted. Mr. Hertzler seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Smith, Young, Rose
No:	None
Absent:	None

### **CONSENT AGENDA**

**SPR #05-002: Spring Arbor of Williamsburg – final site plan for 80 bed assisted living facility, 935 Capitol Landing Road, zoned LB-4. The Commission approved the final site plan with conditions by a vote of 7-0.**

Mr. Friend moved that the Commission approve the Spring Arbor of Williamsburg final site plan subject to the correction of minor engineering details as noted by City staff and completion of the following prior to the issuance of any land disturbing or building permits for the project:

1. Obtaining a VPDES permit from the Department of Environmental Quality.
2. Purchasing water quality credits from Haynes Pond in the amount of \$16,000.00.
3. Approval and recordation of a stormwater management agreement.
4. Paying the City \$31,837.00, the agreed amount, toward the Sanitary Sewer Pump Station #4 on Merrimac Trail.
5. Issuance of a right-of-way permit and associated bonds.

Mr. Hertzler seconded the motion which carried by a vote of 7-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Smith, Young, Rose
No:	None
Absent:	None

## **PUBLIC HEARINGS**

Commissioner Rose stated that he will recuse himself from the following rezoning requests due to a conflict of interest.

Mr. Nester stated that discussion of the requests will be combined, but each will be voted on separately.

**PCR #05-002: Request of Riverside Healthcare Association, Inc. to rezone approximately 177.54 acres, located on the north side of Route 199 between Quarterpath Road and Route 60 East, from RS-1 to ED Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes a 31 acre medical campus, 73 acres of age restricted housing, and 59 acres of “destination use.” The Commission recommended approval of the rezoning by a vote of 6-0-1.**

**PCR #05-003: Request of Riverside Healthcare Association, Inc. to rezone approximately 43.43 acres located on the east side of Quarterpath Road between Route 199 and Tutter’s Neck Pond, from RS-1 to ED Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes 30 acres of condominiums and neighborhood retail. The Commission recommended approval of the rezoning by a vote of 6-0-1.**

**PCR #05-004: Request of Riverside Healthcare Association, Inc. to rezone approximately 137.06 acres located on the east side of Quarterpath Road north of Tutter’s Neck Pond, from RS-1 to RS-2 Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes, with a future rezoning to PDR Planned Development Residential, 75 acres of residential. 15 acres is proffered to be reserved for “Redoubt Park” along Quarterpath Road. The Commission recommended approval of the rezoning by a vote of 5-1-1.**

**PCR #05-007:**        **Rezoning of 1.09 acres of the unimproved Wickre Street right-of-way (approximately 1,014 feet in length) adjacent to the eastern corporate limits from RS-1 Single Family Dwelling District to ED Economic Development District. This adjoins the land proposed by Riverside Healthcare Association, Inc. for rezoning from RS-1 to ED (PCR #05-002). The Commission recommended approval of the rezoning by a vote of 6-0-1.**

**PCR #05-008:**        **Rezoning of approximately 7.2 acres of the Quarterpath Road right-of-way extending north from Route 199 approximately 1160 feet from RS-1 Single Family Dwelling District to ED Economic Development District. This adjoins the land proposed by Riverside Healthcare Association, Inc. for rezoning from RS-1 to ED (PCR #05-003). The Commission recommended approval of the rezoning by a vote of 6-0-1.**

Mr. Nester reviewed the memorandum dated February 11, 2005 which addressed the above-noted rezoning requests. He noted the first three are requests of the Riverside Healthcare Association, Inc. and the remaining two are City of Williamsburg initiated rezonings related to the first three. This project represents the largest single development proposed for the City.

Mr. Nester stated the proposed rezoning requests for Quarterpath at Williamsburg fulfill the 1998 Comprehensive Plan's recommendation that this area be developed as a comprehensively planned mixed-use community which protects the beauty of its sensitive environmental and historic areas. It also meets the statement of intent for the Economic Development District, which was established to "enhance the City's real property tax base and to allow a mixture of tax-generating commercial, entertainment, office and medical uses in a mixed-use setting with an emphasis on landscaping and high quality design standards." He said that while the Comprehensive Plan's goals address many of the issues that will be incorporated into the development of Quarterpath at Williamsburg, most important is the overall goal for land use, which is to "plan for an integrated mix of residential, commercial, and economic development uses which will provide suitable housing, shopping, tourism and employment opportunities for City residents."

Mr. Nester said the developer has submitted a number of major proffers which the Planning Commission can recommend for approval or denial, however; modification of the proffers is not in the purview of either Planning Commission or City Council. Mr. Nester noted that the Planning Commission has received a number of e-mails and letters in support of a six-foot wide multi-use path along Quarterpath Road. He said that the details of the bicycle and pedestrian circulation systems will be addressed at the site plan stage, but that there will be pedestrian and bicycles facilities for the entire length of Quarterpath Road. He noted that there will be much coordination required between the

City, James City County, and VDOT concerning the specifics of the Route 199/Quarterpath Road intersection.

Chairman Young asked for questions for Mr. Nester from the Commission:

- Who decides if proffers have been met? Mr. Phillips said that when proffers are adopted they become a part of the Zoning Ordinance. Staff, along with the City Attorney, would determine if the progress in implementing the proffers is reasonable.
- Is the cost \$1,650,000 estimated cost of the one million gallon elevated water storage tank reasonable? Mr. Nester said that City staff felt this is an adequate amount for construction of the storage tank. This is the maximum amount obligated for the RS-2 rezoning area. However, even if the actual cost is greater, the elevated storage tank must be constructed by the developer to serve the development of the ED area.

Chairman Young opened the public hearing.

Riverside Healthcare Association, Inc. representative, **Paul Gerhardt**, 116 Alexander Place, thanked City staff for their comprehensive review and presentation. He said one of the applicant's goals is to minimize the environmental impact and preserve archeological, Civil War, and 17<sup>th</sup> Century areas. Mr. Gerhardt introduced other representatives of Riverside Healthcare Association from Kaufman and Canoles, Economics Research Associates, DRW Consultants, Trammel Crow, Timmons Group, Williamsburg Environmental Group and Sasaki Associates. Mr. Gerhardt, assisted by Willa Kuh, Sasaki Associates, gave a PowerPoint presentation on the proposed Quarterpath at Williamsburg project. It was pointed out that the project would consist of the following:

- Doctors' Hospital of Williamsburg, with up to 150 beds. A Certificate of Public Need will be required. 80 beds will be constructed initially.
- An age-restricted area with a 120 bed nursing home, a 60 unit assisted-living facility, and 300 independent dwelling units.
- A neighborhood commercial and condominium area with 78,000 sq.ft. of retail and 185 condominiums.
- A destination retail area 495,000 sq.ft. of floor area.
- The RS-2 portion of the proposal will have 470 dwelling units (95 single family, 95 townhouses and 280 condominiums), and will require a future rezoning to PDR.

Mr. Gerhardt noted that numerous proffers are part of the proposal, and address the following issues:

- No tax exemptions for business activities conducted on the property.
- Residential density for the ED District shall not exceed fifty percent of the maximum residential density allowed by the Zoning Ordinance
- Plans for the Quarterpath Road/Route 199 entrance shall be submitted prior to final site plan approval, and Riverside will make reasonable efforts to enter into a

joint development agreement with the owners of property across Quarterpath Road to provide for a unified improvement.

- East-West Boulevard and North-South Boulevard will be constructed as shown on the Conceptual Plan.
- The 21.4 acre Redoubt Park will be park will be dedicated to the City in conjunction with the approval of plans for the adjacent residential area.
- A right-of-way will be dedicated to connect the residential area to Quarterpath Road.
- A Community Development Authority will be established (with City Council approval) in order to help finance infrastructure improvements.
- Four infrastructure improvements are proffered for the RS-2 area: improvements to Redoubt Park, a 1 million gallon elevated water storage tank, improvements to Quarterpath Road from York Street to the entrance to the property at Redoubt #2, and a traffic signal at the York Street/Quarterpath Road intersection.

**Pat Ewell**, 224 Brookwood Drive, stated that she was speaking not only for herself, but also for two running clubs. They request that a six-foot multi-use path along the entire Quarterpath Road be included in the development. She noted that a precedent needs to be set for future development in the City of Williamsburg.

**Bill Morecock**, 401 Capitol Landing Road, spoke on behalf of the Ft. Magruder Fishing Club which has been in existence since 1907. The Club owns the twenty-two acres of surface water and through development have lost a lot of the depth of the pond, going from 14 feet to only six. They are concerned that because the pond appears to be a catch basin for the area, the pond will become a mud hole.

**Dennis Cotner**, 127 Wilson Circle, is vice president of the Williamsburg Battlefield Trust, and said that it is the responsibility of all to preserve our heritage and only one-third of the battlefield for the Battle of Williamsburg remains. He noted that it is the physical remains of the past that help connect us to the past. We are all the poorer for not having the whole picture and the Williamsburg battlefields is among the most threatened. According to Mr. Cotner, a large part of the proposal is near the site of the Bloody, part of the 1862 Battle of Williamsburg. This is where the Confederate troops fed the front lines, and where there were significant casualties. He hopes the City will set aside a path to tie in with the trail where visitors could actually walk the path as the Confederate troops did.

**Russell Tabb**, 308 Pocahontas Street, said he is happy Riverside Healthcare Association, Inc. is planning to improve the health care of the community with a nearby facility; it is appreciated.

**Peggy Vohlsburg**, 7 Carmel Court in Hampton serves as secretary of the Williamsburg Battlefield Trust and reiterated Mr. Cotner's comments adding that Civil War buffs travel long distances to see even small Civil War artifacts.

**Alan Turnbull**, 109 Woodmere Drive, commended Riverside for their plans and encouraged a walkable/rideable pathway to allow residents a choice other than car travel. He said the connection from Kingsmill to town must not be severed.

There being no additional comments the public hearing was closed.

Comments from Planning Commissioners included:

- Future owners would be under the constraints of the proffers offered as a part of the rezoning.
- With the increase in the older population, the need for increased emergency services will follow. Mr. Nester agreed, and said that there will be an increased cost to the City for additional EMT services for an older population. He said that even with the older population, and with the uncertainties for the exact form of the final development, it is clear that the City will realize a net financial benefit from the project. The question is exactly how much it will be.
- Have any provisions been made for use of the six acres under the elevated water tower? Mr. Nester responded that there is no provision for a fire station site on the property and the area is not really appropriate for building. Sanitary sewer pump stations will need to be detailed out in the site plan review process.
- Clarification of the Bloody Ravine area was requested. Mr. Nester responded that Colonial Williamsburg has one side of the ravine and Riverside the other. It was asked if it is possible to incorporate the ravine into Redoubt Park. Mr. Gerhardt responded it is not included in the proffer for Redoubt Park, but that it could be discussed again when a PDR rezoning is proposed in the future for the RS-2 area.
- In response to the question why the public would actually need to walk along the path the Civil War soldiers walked in order to capture the experience, Mr. Cotner responded it would offer a more complete picture as well as move the visitor along to the site of the actual battle.
- Regarding the possible uses of Redoubt Park, Mr. Gerhardt responded that the City of Williamsburg asked for flexibility for the Park's use, and that the developer agrees the City should have the discretion to make the decision regarding the details of the Park. City Attorney Phillips said it will be a City park and they would prefer not to be held to any specific mode of development. He continued by saying the City wants to be sensitive to demands but not have their hands tied.
- Mr. Hertzler said he really likes the proposal and that the developer has done a phenomenal job. He added that he will be voting for two of the proposals but will vote against the RS-2 rezoning to send the message that the Bloody Ravine need to be looked at more closely. Mr. Phillips suggested that all of the rezonings should be considered as a unified project, since the improvement of Quarterpath Road proffered with the RS-2 rezoning is a critical access and safety issue for the entire project.

Chairman Young asked Mr. Nester if he could offer Mr. Morecock and the fishing club any words of reassurance regarding the site development and potential sedimentation problems. Mr. Nester told Mr. Morecock that the club's concerns will be taken very seriously and as always, will be followed up with careful plan review, especially in regard to Chesapeake Bay regulations. He also noted that erosion and sedimentation control inspections are dealt with differently than in the past, allowing more protection from erosion and sediment damage than was the case when Route 199 was initially developed.

Mr. Nester said it is the City's intent and desire to have a bike/pedestrian path along Quarterpath Road. He said there will be opportunity to review and comment on the development plans as the proposal goes through the development and review process. He suggested those interested call the planning office and ask to be added to the list for receipt of meeting notification. Mr. Pons asked if there are any plans to eliminate traffic through Quarterpath Road and Mr. Nester answered that there will be pedestrian and bicycle access, but not vehicular. This is an issue that is in the rough concept stage at this point. Mr. Morecock said that if Quarterpath Road is made a two-way road to Rt. 199, it will become a major thoroughfare.

Mr. Young stated that he commends Riverside Healthcare Association, Inc. on their work, but wonders what process will be followed to assure satisfaction with proffers? Mr. Phillips reiterated that City staff will have this responsibility. Mr. Young confirmed with Mr. Phillips that this is the only opportunity the Planning Commission will have to approve the submitted proffers. Mr. Gerhardt stated that the applicant intends to return with a PDR rezoning request for the residential area north of Tutter's Neck Pond. Mr. Nester noted that a master plan is approved as part of the PDR process, and that the exact split of uses, specific open spaces, and yard requirements must be agreed upon. He added that this will allow the Planning Commission further review this area as a part of the PDR rezoning.

Mr. Nester said the Planning Commission needs to report to City Council within 90 days after their first meeting where the proposal was considered. Mr. Young said this is a very commendable application, and he has more questions for the City than he does for the applicant. He stated he is inclined to say "yes" but wants to be sure he knows what he's voting for. Some things are not under the control of the applicant.

Mrs. Smith said it is very generous to have the park, but we need to be sure it accomplishes our preservation intentions. Mr. Young noted the same challenge is presented when any site is developed. With this proposal, we have the property owner willing to work with the City and we must recognize there is a limit to that. We all just want to make sure we do the right thing along Quarterpath Road. We must not miss this opportunity to have the right access into and out of the City.

Mr. Hertzler said he doesn't believe the Commission needs to delay a decision. He said he will vote against PCR #05-004 to send a message that a few other critical issues regarding Redoubt Park need to be further reviewed.

**PCR #05-002:** Mr. Pons moved and Mrs. Smith seconded that the Planning Commission recommend to City Council approval of the rezoning of approximately 177.54 acres on the north side of Route 199 between Quarterpath Road and Route 60 East from RS-1 to ED Conditional with the proffers dated February 7, 2005. The motion carried by roll call vote of 6-0-1.

Recorded vote on the motion:

Aye:	Friend, McBeth, Pons, Smith, Young, Hertzler
No:	None
Absent:	None
Recused:	Rose

**PCR #05-003:** Mr. Hertzler moved and Mr. Pons seconded that the Planning Commission recommend to City Council approval of the rezoning of approximately 43.43 acres located on the east side of Quarterpath Road between Route 199 and Tutter's Neck Pond, from RS-1 to ED Conditional with proffers dated February 7, 2005. The motion carried by roll call vote of 6-0-1.

Recorded vote on the motion:

Aye:	Friend, McBeth, Pons, Smith, Young, Hertzler
No:	None
Absent:	None
Recused:	Rose

**PCR #05-004:** Mr. Pons moved and Mrs. McBeth seconded that the Planning Commission recommend to City Council approval of the rezoning of approximately 137.06 acres located on the east side of Quarterpath Road north of Tutter's Neck Pond, from RS-1 to RS-2 Conditional with proffers dated February 7, 2005. The motion carried by roll call vote of 5-1-1. Mr. Hertzler stated that he was voting against the rezoning to send the message that dialog needs to continue on the issues. Mrs. Smith said she would also like to send that message.

Recorded vote on the motion:

Aye:	Friend, McBeth, Pons, Smith, Young
No:	Hertzler
Absent:	None
Recused:	Rose

**PCR #05-007 and PCR #05-008:** Mrs. McBeth moved and Mr. Pons seconded that Planning Commission recommend to City Council approval of the rezoning of approximately 7.2 acres of the Quarterpath Road right-of-way extending north from



Route 199 approximately 1,160 feet from RS-1 to ED and that the Commission also recommend to City Council approval of the rezoning of approximately 1.09 acres of the unimproved Wickre Street right-of-way (1,014 feet in length) adjacent to the eastern corporate limits from RS-1 to ED. The motion carried by roll call vote of 6-0-1.

Recorded vote on the motion:

Aye:	Friend, McBeth, Pons, Smith, Young, Hertzler
No:	None
Absent:	None
Recused:	Rose

## **OPEN FORUM**

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #05-002: Spring Arbor of Williamsburg – final site plan for 80 bed assisted living facility, 935 Capitol Landing Road, zoned LB-4, was approved under the consent agenda.**

## **OLD BUSINESS**

**CIP: Five-Year Capital Improvement Program (FY06 to FY10). The Commission approved with amendments the recommendations for the CIP by a vote of 6-1.**

Commissioner Rose asked for clarification as to the purpose for the Commission's comments on the CIP. Mr. Nester responded that the CIP is developed as part of the annual budget and comments from the Planning Commission regarding planning related issues are requested from the City Manager to be included with his recommendations to City Council. Mr. Rose stated that looking over the spread sheet, some of the items should be funded at this time and others should not. He said he will not vote in favor of forwarding the memorandum because he is not comfortable with the process, and would like it to change in order to reflect what we're voting for, which is to forward the comments to the City Manager.

Mrs. McBeth suggested including a timeline for the funding of projects.

Mr. Young stated he believes this is one of the more challenging tasks the Commission is asked to undertake because response to the comments usually does not reflect the consideration he would hope.

Mr. Hertzler moved the Commission approve, with today's amendments, the draft memorandum of their recommendations for the proposed Five Year Capital Improvement Program. The motion was seconded by Mrs. McBeth and carried by roll call vote of 6-1.

Recorded vote on the motion:

Aye:	Friend, McBeth, Pons, Smith, Young, Hertzler
No:	Rose
Absent:	None

**NEW BUSINESS** -- none

**OTHER** -- none

**INFORMATION ITEMS**

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

**PUBLIC HEARINGS SCHEDULED FOR MARCH 16, 2005 - None**

The meeting adjourned at 6:00 p.m.

Jesse Young, Chairman  
Williamsburg Planning Commission